

RCE *zww*

PTO/SB/30 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Request For Continued Examination (RCE) Transmittal Address to: MS RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	10/009,023-Conf. #6243
	Filing Date	April 12, 2002
	First Named Inventor	Ian L. Brown
	Art Unit	1623
	Examiner Name	Leigh C. Maier
	Attorney Docket Number	28053/37955

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/Declaration(s)

iv. ☐ Other _____

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____. I have enclosed a duplicate copy of this sheet.

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☒ Check in the amount of \$ 1,240.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Signature		Date	February 10, 2005
Name (Print/Type)	Jeffrey S. Sharp	Registration No.	31,879

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 10, 2005

Signature: (Jeffrey S. Sharp)



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**PROCESSING FEE
Under 37 CFR 1.17(i)
TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to:

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/009,023-Conf. #6243
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First Named Inventor	Ian L. Brown
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Examiner Name	Leigh C. Maier
Attorney Docket Number	28053/37955

Enclosed is a paper filed under 37 CFR _____ that requires a processing fee (37 CFR 1.17(i)).
Payment of \$ _____ is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.

Payment of Fees (small entity amounts are NOT available for the petition fees)

- ☐ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. _____ :
☐ Processing fee under 37 CFR 1.17(i) ☒ Any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

- ☒ Check in the amount of \$ 1,240.00 is enclosed.

- ☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Processing Fees under 37 CFR 1.17(i): Fee \$130

Fee Code 1808 for all,

Except for \$1.221 papers (Fee Code 1803)

For papers filed under:

- § 1.28(c)(3) – for processing a non-itemized fee deficiency based on an error in small entity status.
§ 1.41 – for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.
§ 1.48 – for correcting inventorship, except in provisional applications.
§ 1.52(d) – for processing a nonprovisional application filed with a specification in a language other than English.
§ 1.53(b)(3) – to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
§ 1.55 – for entry of late priority papers.
§ 1.99(e) – for processing a belated submission under § 1.99.
§ 1.103(b) – for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
§ 1.103(c) – for requesting limited suspension of action, request for continued examination (§ 1.114).
§ 1.103(d) – for requesting deferred examination of an application.
§ 1.217 – for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
§ 1.221 – for requesting voluntary publication or republication of an application. **Fee Code 1803**
§ 1.291(c)(5) – for processing a second or subsequent protest by the same real party in interest.
§ 1.497(d) – for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
§ 3.81 – for a patent to issue to assignee, assignment submitted after payment of the issue fee.


Signature

Jeffrey S. Sharp

Typed or printed name

February 10, 2005

Date

31,879

Registration No., if applicable

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 10, 2005


Signature: 

(Jeffrey S. Sharp)



Docket No.: 28053/37955
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	)	I hereby certify that this
	)	correspondence is being deposited with
BROWN et al.	)	the U.S. Postal Service with sufficient
	)	postage as First Class Mail, in an
Serial No.: 10/009,023	)	envelope addressed to: MS RCE,
	)	Commissioner for Patents, P.O. Box
Filed: April 12, 2002	)	1450, Alexandria, VA 22313-1450 on
	)	the date shown below:
)	
For: STARCH SUB-TYPES	)	February 10, 2005
AND LIPID METABOLISM)	
)	
)	
Group Art Unit: 1623	)	Jeffrey S. Sharp
	)	Registration No. 31,879
Examiner: L. Maier	)	Attorney for Applicants

**AMENDMENT AND RESPONSE TO
OFFICE ACTION DATED SEPTEMBER 10, 2004 ACCOMPANYING
REQUEST FOR CONTINUED EXAMINATION (RCE) UNDER 37 C.F.R. § 1.114**

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the final Office Action of September 10, 2004 in which all elected claims (1-10 and 26-33) stand rejected under one or more of 35 U.S.C. §§102(b) and 103(a). Withdrawal of the rejections and allowance of the claims is solicited in light of the reasons set out below. This response is timely filed as a petition for a two-month extension of time to February 10, 2005 is submitted herewith.

Amendments to the Claims begin on Page 2 of this paper.

Remarks begin on Page 8 of this paper.